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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Rosemount Inc.

Serial No. 76/034,083

Christopher R. Christenson of Westman, Champlin & Kelly,
P.A. for Rosemount Inc.

Vivian Micznik First, Trademark Examining Attorney, Law
Office 104 (Sidney Moskowitz, Managing Attorney).

Before Simms, Cissel, and Drost, Administrative Trademark
Judges.

Opinion by Drost, Administrative Trademark Judge:

Rosemount Inc. (applicant) filed an application¹ to
register the term HOOKUPS (in typed form) on the Principal
Register for goods ultimately identified as follows:

Metal pipes and manually operated metal valves used to
connect sensing equipment, transmitters, or
controllers to industrial or manufacturing processes
in International Class 6.

¹ Serial No. 76/034,083, filed April 26, 2000. The application
contains an allegation that applicant first used the mark and
first used the mark in commerce on February 16, 1999.

Machine parts, namely, metal and plastic pipes and automatic and manually-operated metal valves used to connect sensing equipment, transmitters or controllers to industrial or manufacturing processes in International Class 7.

Automatic valves used to connect sensing equipment, transmitters, or controllers to industrial or manufacturing processes in International Class 9.

The examining attorney refused to register the mark on the ground that the mark, when applied to the goods, is merely descriptive. 15 U.S.C. § 1052(e)(1).

The examining attorney's position is that the mark HOOKUPS is merely descriptive for applicant's goods, which are "mechanical and/or electrical units comprising pipes and valves for connecting monitoring instrumentation to industrial equipment." Examining Attorney's Br. at 3. A "Hookup" is defined as a "system of electric circuits and electrically powered equipment designed to operate together" and "a configuration of mechanical parts or devices providing a link between a supply source and a user." *American Heritage Dictionary of the English Language, Third Edition* (1992) (See First Office Action).²

² The examining attorney requests that we take judicial notice of two additional definitions, which were submitted for the first time with the examining attorney's brief, in which "hookups" is defined as "a system of components assembled together for a particular purpose" (www.rhymezone.com) and "the connection between a supply of something and its user, or a connection between two or more pieces of equipment" (<http://dictionary.cambridge.org>) (Examining attorney's emphasis). We, of course, can take judicial notice of dictionary

The examining attorney concludes that "HOOKUPS merely describes the nature, use and purpose of the applicant's goods, because applicant's goods are a system of pipes and valves assembled together for use in connecting monitoring instrumentation to industrial equipment." Examining Attorney's Br. at 3.

Applicant, on the other hand, maintains that "a consumer in the market to buy Appellant's goods, when presented with the mark HOOKUPS, will not inexorably conceive features of Appellant's goods." Applicant's Br. at 3. Applicant further argues that it offers a variety of goods and that even customers familiar with the goods "would not necessarily understand characteristics of the goods from viewing Appellant's mark." Id. Applicant concludes that its mark is not merely descriptive of its goods.

After the examining attorney made the refusal final, this appeal followed. Applicant and the examining attorney have filed briefs. An oral hearing was not requested.

definitions. University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co., 213 USPQ 594, 596 (TTAB 1982), aff'd, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983). However, we do not normally take judicial notice of on-line dictionaries that are submitted for the first time on appeal. In re Total Quality Group, Inc., 51 USPQ2d 1474, 1476 (TTAB 1999). Therefore, we will not consider the on-line dictionary definitions submitted with the examining attorney's brief.

We affirm the examining attorney's refusal to register applicant's mark.

A mark is merely descriptive if it immediately describes the ingredients, qualities, or characteristics of the goods or services or if it conveys information regarding a function, purpose, or use of the goods or services. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217 (CCPA 1978). A term may be descriptive even if it only describes one of the qualities or properties of the goods or services. In re Gyulay, 820 F.2d 1216, 1217, 3 USPQ2d 1009, 1009 (Fed. Cir. 1987). We look at the mark in relation to the goods or services, and not in the abstract, when we consider whether the mark is descriptive. Abcor, 200 USPQ at 218.

In this case, applicant's goods consist of pipes and valves used to connect sensing and other equipment. Applicant's literature (p. 1) describes its Transmitter Connection System as featuring "transmitter process connections that are pre-fabricated and pre-engineered." It "is a prefabricated process connection for all types of pressure-based measurement applications: flow, pressure, differential pressure, and level" (p. 2). The literature also points out (p. 3):

Corporate standards exist for installing pressure transmitters. A look at a typical process plant reveals a wide range of practices actually employed. The end result is that the intention of the designer is rarely achieved.

The HookUps system provides a standardized installation system for nearly all applications. With the HookUps system, variability in instrumentation is eliminated. There are over 100 pre-engineered designs nearly all types of applications.

In addition, we take judicial notice of the following definitions of "hook up":

1. A group or a number of items cooperating or acting together as
 - (a) an assemblage (as of apparatus or circuits) used for a specific purpose (as radio transmission or reception)
 - (b) a sequence or arrangement of communications and usu. interacting parts.
2. The establishment of a hookup; a linking of two or more items into an interacting whole as (a) an assembling of parts into a functional whole.

Webster's Third International Dictionary of the English Language Unabridged (1993).

A review of applicant's literature makes it clear that applicant's goods are a "connection system" that provide "a standardized installation system for nearly all applications." If effect, applicant's pipes and valves provide a means to connect transmitters and other equipment to industrial or manufacturing processes. Inasmuch as a "hook up" is defined as "a linking of two or more items into an interacting whole" and "an assemblage (as of

apparatus or circuits) used for a specific purpose," applicant's term would inform prospective purchasers that its pipes and valves link the transmitters, sensing equipment, or controllers with industrial or manufacturing processes. To those purchasers in the market for an item to link transmitters, sensing equipment, and controllers to a system, applicant's term would immediately inform these purchasers of a feature or function of the goods, i.e., that they link or "hook up" these parts with the system.

Applicant argues that it "offers a vast array of goods related to process control and monitoring. The goods themselves can be mechanical, electrical, and/or systems employing combinations thereof. Given that the dictionary definition is applicable to mechanical and electrical systems, Appellant respectfully believes that consumers familiar with Appellant's goods will require imagination, thought or perception to reach a conclusion as to the nature of the specific goods." Appellant's Br. at 3.

First, even if applicant's term only described some of its products, a mark is properly refused registration on the ground of descriptiveness if it is descriptive of any of the goods for which registration is sought. In re American Society of Clinical Pathologists, 442 F.2d 1404, 169 USPQ 800, 801 (CCPA 1971). Second, the dictionary

cited by the examining attorney makes it clear that the term "hook ups" has descriptive significance for electrical and mechanical systems. It is not clear why it would lose that significance simply because the system has both an electrical and a mechanical component. Third, the other dictionary definition makes it clear that the term "hook ups" would apply to any linking of two or more items into an interactive whole. Inasmuch as that is what at a minimum, at least some of, applicant's goods do, the term "hook ups" is merely descriptive.

Also, the fact that the term "hook ups" may have other meanings is not significant in this case because we must look at the term in relation to the goods for which registration is sought. Abcor, 200 USPQ at 218. When viewed in the light of applicant's pipes and valves for connecting transmitters and other equipment to industrial or manufacturing systems or equipment, it will be immediately apparent to prospective customers that the term "hook ups" is referring to a characteristic or feature of the goods, i.e., its ability to link or connect these items into an interacting whole.

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Decision: The Examining Attorney's refusal to register the term HOOKUPS on the ground that the mark is merely descriptive of the involved goods is affirmed.